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**In the Drawings:**

Please review the request for the following drawing amendments:

1. In Figure 5, please correct the spelling of "cushion" in block 30 and add the title Door Switches to define items 22-28.
2. In Figure 6, please add the labels Vehicle Cable Harness to define item 60, Micro-controller Unit to define item 32 and relocate the identifier 32 outside the block, and add the label Cushion Pressure Switch to define item 30.
3. In Figure 7, please add the labels Cushion Pressure Switch to define item 30, Vehicle Controller to define item 52, and Vehicle Electrical System to define item 70.

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**REMARKS**

NOTE: As a matter of overcoming the final rejection of this application the Applicant contacted the Examiner and inquired as to the possibility of using method claims to overcome the final rejection. The Examiner requested that the Applicant FAX a sample of such a claim. Then a scheduled teleconference was held on September 7, 2005 between the Examiner and Applicant to discuss the method claims. During this teleconference the Examiner pointed some minor drawing changes and further reminded the Applicant of U.S. Patent 6,922,622 B2 to Dulin et al. for a "Hot Vehicle Safety System and Method of Preventing Passenger Entrapment and Heat Suffocation," which recently issued on July 26, 2005.

**Regarding the drawings:**

Figure 5 is amended to correct spelling and properly label blocks 22-28. Figure 6 is amended to properly label blocks 30, 32, and 60. Figure 7 is amended properly label blocks 30, 52, and 70. Reexamination and reconsideration of the application, as amended, are sincerely requested.

**Regarding the claims:**

Claims 1-26 are canceled.

New independent claims 27 and 31 are added.

The following dependent claims are copied and renumbered to depend from the new independent

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claims, as follows:

Claim 28 is previously canceled claim 2, now depending from claim 27.

Claim 29 is previously amended claim 9, now pending from claim 27.

Claim 30 is previously amended claim 11, now pending from claim 27.

Claim 32 is previously amended claim 20, now pending from claim 31.

Claim 33 is previously amended claim 13, now pending from claim 31.

Claim 34 is previous claim 22, now pending from claim 31.

Claim 35 is previously amended claim 17, now pending from claim 31.

Claim 36 is previous claim 18, now pending from claim 31.

Claim 37 is previously canceled claim 2, now depending from claim 31.

### **Claim Rejections – 35 USC § 103**

2. In the Official Action, Claims 1, 4-5, 8-10, 12-14, and 17-26 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Osborne [US. 2004/0113797] in view of Flanagan [US 2003/0062996].

#### **Applicant's response to final rejection:**

In view of the final rejection of this application, all previous claims are canceled and new claims 27-37 are added. Independent claims 27 and 31 are written as method claims since it is essential that the operating functions of the system of the present invention occur in sequential order, one-after-the-other according to the flow diagram of Figure 8, to assure proper detection

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and notification of a baby in a critically unsafe environment. The Applicant believes that the system of the present invention operating with this sequence of events is unique relatively to the cited references.

Further, regarding item 2 of the official notice on page 2 at the end of the first paragraph, regarding the statement "and implementing a microcontroller in the place of the signal generator of Osborne provides convenient for the user for its feasible programmable function", in the present invention the "user" does not have any programmable function capability at all as this could easily effect the fail-proof nature of the system by allowing the user, who may not understand the full operation of the system, to change the program thereby making it ineffective. The programmable capability of the micro-controller of the present invention can be used by the manufacturer for such items as setting the safe temperature range to be suitable for different territorial markets, etc.

During the teleconference on September 7, 2005 the Examiner reminded the Applicant of the Dulin et al. patent, which recently issued and suggested that this be reviewed relative to the method claims.

**Response:**

In a first embodiment of the Dulin et al. invention at col 3, line 36 it states that: "The

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system of the invention activates when it senses: a) the temperature is above a pre-set minimum, b) the vehicle is stopped, and optionally, but preferably, c) the presence of an occupant.”

In the present invention, the system is activated after a short delay time to allow the driver to get in the vehicle after placing a child in the car seat. In the present invention the system is activated independent of temperature and whether or not the vehicle is stopped, but only when the car seat is occupied and the driver's door is initially shut. The temperature monitoring function is only enabled once the driver's door is again opened for the driver to exit the vehicle and if the child car seat is still occupied.

Also, the present invention monitors the temperature and provides protection for the child in both extremely hot or cold environments.

The Dulin et al. invention describes another embodiment beginning at col 7, line 27, and is compared with the present invention below:

- 1) At col 7, line 27: “When a child is buckled in a child seat, the system is armed.”

As discussed above, in the present invention the system is enabled when the car seat is occupied and the driver's door is initially shut after a short delay to allow the driver to get in the vehicle.

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- 2) At col 7, line 29: "When the ignition is turned off and the driver side door is opened, the alarm goes off warning the driver not to forget the child in the infant seat."

In the present invention, when the driver's door is opened for the driver to get out of the vehicle the internal alarm (voice message) is announced to remind the driver that a child is in the car seat. The ignition being turned off has no bearing on enabling the internal alarm.

- 3) At col 7, line 34: "The window position sensors advise the hot car safety system that the windows are closed, and the thermistor is triggered to monitor the temperature."

In the present invention the windows or any window position sensor are not involved. Once the driver exits the vehicle and closes the driver's door and a child is still in the car seat, the temperature sensor is activated and monitored by the micro-controller, which monitors the temperature inside the vehicle and determines when the predetermined min/max temperature thresholds are exceeded and sets off an external alarm. This very loud external alarm continues until either the child is rescued from the car seat or the system is manually reset by a responsible person.

- 4) At col 7, line 37: "When the conditions are met, that is, a) the weight sensor has a positive indication of presence of a passenger or child, b) the temperature

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risers above the threshold, AND c) the car is stopped, then the features of the inventive system are triggered.”

In the present invention, the vehicle being stopped is not a requirement.

Also, the Dulin patent discloses in col 4, at line 44: “Many vehicle have external temperature sensors. When the external temperature is sensed at or above the external temperature threshold, the internal warning system is initialized.”

The present invention does not utilize the outside temperature to initialize the system.

### Conclusion

In summary, the Applicant submits that the present invention provides a precise, straightforward, and fail-proof method to help prevent a child from being left in a hot or cold vehicle environment that is different in structure and function from that of the cited references. The Applicant requests that the examiner reconsider the final rejection of this application in view of the use of method claims to overcome the earlier rejections and to consider the differences in both structure and function as discussed above relatively to the Dulin et al. patent.

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In view of the above, it is submitted that new claims 27-37 are in condition for allowance. Reconsideration and withdrawal of the rejections are requested based on the redirection of this set of claims. Allowance of claims 27-37 is solicited.



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